

REMARKS

This responds to the Office Action mailed on January 29, 2009.

Claims 1, 3-6, 10-12, 17, 19, 23, 25-26, 29-35 and 72-73 are amended, claims 2, 9, 13-16, 18, 22, 24, 27-28, 37 and 39-71 are canceled, and claims 74-77 are added; as a result, claims 1, 3-8, 10-12, 17, 19-21, 23, 25-26, 29-36, 38, and 72-77 are now pending in this application.

§ 103 Rejection of the Claims

Claims 1, 3, 5-8, 10-13, 17, 19-23, 36 and 38 were rejected under 35 U.S.C. § 103(a) as being obvious over Abecassis (U.S. Patent No. 6,011,895) in view of Kwoh et al. (U.S. Patent No. 6,226,793) and Sezan et al. (U.S. Patent Application Publication No. 2005/0091685).

Claims 4 and 33 were rejected under 35 U.S.C. § 103(a) as being obvious over Abecassis (U.S. Patent No. 6,011,895) in view of Kwoh et al. (U.S. Patent No. 6,226,793) and Sezan et al. (U.S. Patent Application Publication No. 2005/0091685) as applied to claim 1 above, and further in view of Maybury et al. (U.S. Patent No. 6,961,954).

Claim 25 was rejected under 35 U.S.C. § 103(a) as being obvious over Abecassis (U.S. Patent No. 6,011,895) in view of Kwoh et al. (U.S. Patent No. 6,226,793) and Sezan et al. (U.S. Patent Application Publication No. 2005/0091685) as applied to claim 19 above, and further in view of Eyer (U.S. Patent No. 6,483,547).

Claim 26 was rejected under 35 U.S.C. § 103(a) as being obvious over Abecassis (U.S. Patent No. 6,011,895) in view of Kwoh et al. (U.S. Patent No. 6,226,793) and Sezan et al. (U.S. Patent Application Publication No. 2005/0091685) as applied to claim 19 above, and further in view of Beckman et al. (U.S. Patent No. 6,675,388).

Claim 29 was rejected under 35 U.S.C. § 103(a) as being obvious over Abecassis (U.S. Patent No. 6,011,895) in view of Kwoh et al. (U.S. Patent No. 6,226,793) and Sezan et al. (U.S.

Patent Application Publication No. 2005/0091685) as applied to claim 19 above, and further in view of Elenbaas et al. (U.S. Patent Application Publication No. 2005/0028194).

Claims 30, 32 and 34 were rejected under 35 U.S.C. § 103(a) as being obvious over Abecassis (U.S. Patent No. 6,011,895) in view of Kwoh et al. (U.S. Patent No. 6,226,793) and Sezan et al. (U.S. Patent Application Publication No. 2005/0091685) as applied to claim 19 above, and further in view of Ahmad et al. (U.S. Patent No. 6,880,171).

Claims 31 and 35 were rejected under 35 U.S.C. § 103(a) as being obvious over Abecassis (U.S. Patent No. 6,011,895) in view of Kwoh et al. (U.S. Patent No. 6,226,793) and Sezan et al. (U.S. Patent Application Publication No. 2005/0091685) as applied to claim 19 above, and further in view of Gove (U.S. Patent No. 5,099,322).

Before directly addressing the Examiner's rejections under 35 U.S.C. § 103(a), a brief review of the system disclosed in the present patent application is desirable. Independent Claims 1, 17, and 19 are directed to a method and system for receiving, decoding, and storing a plurality of video segments from a continuous video stream. In the claimed systems, the encoded video stream comprises a continuous series of individual video segments wherein each individual video segment is encoded with associated markers and associated tags. The associated markers define divisions between successive individual video segments that comprise the continuous video stream. The associated tags are each associated with an individual video segment and provide information relating to the content of that associated individual video segment.

A receiver system decodes the associated tags and associated markers of each individual video segment for use in processing the video segments. Specifically, in an example embodiment the associated markers are used to identify individual video segments from the video stream such that those video segments can be stored into a video storage in the system. Each video segment stored in the video storage has an associated address of the video segment that may be used to locate the video segment within the video storage. The system compares the associated tags describing the video segments with the stored video preferences of a viewer to generate an associated video preference indicator for each video segment. As specified by the

amended claims, **a subset of the associated video preference indicators are designated as mandatory** such that video segments (e.g., advertisements) deemed as mandatory can be supported. Then, for each video segment, in an example embodiment the system stores the associated address (used to locate the video segment in the video storage) a video segment storage. Basis for a preference indicator as being mandatory can be found, for example, at page 7, lines 18-21 of the application as filed and in Figure 5.

An illustration of the contents of one embodiment of a video segment storage is illustrated in **Figure 5** of the present application. More specifically, **Figure 5** illustrates a video pointer table **69** generated by video segment database **62** that contains information about each of the stored video segments including a START marker, an END marker, a TAG describing the video (the associated tags), a VIDEO POINTER that indicates an address of the video in the video storage (the associated address), and a VIDEO OK indication (the associated video preference indicator). The VIDEO OK indication (the associated video preference indicator) indicates whether a particular video segment is a preferred video segment.

In the example embodiment, the disclosed system can then successively go through the entries in the video segment database **62** to select preferred video segments (as indicated by the associated video preference indicator) such that the preferred video segments be successively played (e.g., see claims 1 and 19) or downloaded (see claim 17). Amended independent Claims 1, 17, and 19 include limitations of receiving a video stream comprising a continuous series of video segments, decoding the associated markers that divide the video segments, decoding the associated tags that describe the video segments, storing the video segments in video storage, comparing associated the tags with the video preferences of a user to determine an associated video preference indicator, and storing the associated address a video segment storage.

The Sezan Reference

In the most recent Office Action, the Examiner brought in the Sezan reference and contends that the Sezan reference discloses a system that stores the same type of information for video segments in a database. Specifically, the examiner stated:

In analogous art, Sezan discloses . . . storing markers and tags in a database (Page 3, paragraph 0041, 0042, Page 5, paragraph 0053, Figure 13) and marks the video segment database with an indication of the preferred video segments or

portion of programs or storing an indication of the preferred video segments or portion of programs in the database (Page 3, paragraph 0041-0042, Page 4, paragraph 0049, Page 5, paragraphs 0052-0053, Page 17, paragraph 0192).

However, the presently claimed system operates in a different manner than the system disclosed within the Sezan reference. The system disclosed and claimed in the present application has been designed to compare video segment information with video preference information of a viewer in order to identify preferred video segments. This information is used to determine an associated video preference indicator that is associated with stored video segments. However, the associated video preference indicator is also used to identify mandatory video segments. Specifically, the independent claims require that “a subset of said associated tags indicating video segments that are to be designated as mandatory in said associated video preference indicator”. The identification of such mandatory video segments may ensure that advertising segments must be viewed. An example of such mandatory video segments is illustrated in **Figure 5** of the present application wherein the fourth entry in the video pointer table **69** generated by video segment database **62** specifies a “MANDATORY” associated video preference indicator such that the associated video segment must be viewed by the viewer.

The ability to designate mandatory video segments may solve problems present in other systems. For example, the disclosed system avoids a common problem with digital video recorders that allow viewers to skip advertisements in commercial television programs. If all users skip commercials then the funding sources for creating original television programming will dry up. Thus, the present system allows for mandatory commercials to be injected into the system.

Sezan, Abecassis and Kwoh et al. disclose no such feature. In fact, the system of the Sezan reference teaches away from the claimed system. Specifically, paragraph [0051] of the Sezan reference discloses:

[0051] The selection of a particular program analysis technique depends on the amount of readily available data and the user preferences. For example, if a user prefers to watch a 5 minute video highlight of a particular program, such as a basketball game, the analysis module 42 may invoke a knowledge based system 90 (FIG. 3) to determine the highlights that form the best 5 minute summary. The knowledge based system 90 may invoke a commercial filter 92 to remove commercials and a slow motion detector 54 to assist in creating the video summary. The analysis module 42 may also invoke other modules to bring

information together (e.g., textual information) to author particular program views. For example, if the program 38 is a home video where there is no further information available then the analysis module 42 may create a key-frame summary by identifying key-frames of a multi-level summary and passing the information to be used to generate the program views, and in particular a key frame view, to the description scheme. Referring also to FIG. 3, the analysis module 42 may also include other sub-modules, such as for example, a demux/decoder 60, a data and service content analyzer 62, a text processing and text summary generator 64, a close caption analyzer 66, a title frame generator 68, an analysis manager 70, an audiovisual analysis and feature extractor 72, an event detector 74, a key-frame summarizer 76, and a highlight summarizer 78.

Thus, instead of requiring users to view commercials, the system of the Sezan reference includes a commercial filter **92** that allows users to edit out such commercials. Such a system would reduce advertising revenue such that television content providers would lose funding necessary to create original television programming.

In view of the above it is submitted that claim 1, 17 and 19 are allowable. Similarly, all the dependent claims dependent on independent claims 1, 17, and 19 include all the limitations of the independent claims and are thus likewise allowable.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (408) 278-4058 to facilitate prosecution of this application.

If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

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Date 5/29/2009

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 29, 2009.

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